

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

2. MICHAEL ANTHONY BARQUET,  
Defendants.

NO. CR23-171-JSM

**ORDER CONTINUING TRIAL AND  
EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT**

The current trial date for this matter February 12, 2024. The United States has filed a motion to continue the trial as to this defendant, Michael Anthony Barquet, until October 21, 2024, to correspond to the trial date already set for co-defendants Mosses Ramos, Neca Silvestre, Katrina Cazares, and Kyara Zepeda. Counsel for Barquet agrees that he cannot be ready for trial by February 12, 2024, but has indicated that his client will not consent to a continuance or otherwise waive his right to a speedier trial.

Having considered the government's submission and any responses thereto, the Court GRANTS the motion. The trial is scheduled for October 21, 2024 at 9:00 AM. Pretrial motions will be filed no later than August 29, 2024.

Furthermore, the Court finds that, for the reasons detailed in the United States' motion, which is incorporated herein by reference, the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial.

1 18 U.S.C. § 3161(h)(7)(A). Failure to grant this continuance would likely make trial  
2 impossible and result in a miscarriage of justice and would deny counsel for the  
3 defendant and the government the reasonable time necessary for effective preparation,  
4 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(i), (iv).  
5 This case is sufficiently complex due to the number of defendants and nature of  
6 prosecution that it is unreasonable to expect adequate preparation by the parties for  
7 pretrial proceedings or for the trial itself by the current trial date. 18 U.S.C. §  
8 3161(h)(7)(B)(ii).

9 Barquet's personal objection to the continuance is not dispositive. First,  
10 Defendant's purported interest in an earlier trial cannot outweigh his counsel's genuine  
11 need for additional time to prepare for trial. The Court notes that this is a multi-  
12 defendant conspiracy charge involving considerable discovery and finds that it is  
13 unrealistic to expect defense counsel to be ready by the current trial date, or any earlier  
14 than the trial date already set for the co-defendants in this matter.

15 Second, the Speedy Trial Act, 18 U.S.C. § 3161(h)(6), provides that excludable  
16 time under the Act includes a "reasonable period of delay when the defendant is joined  
17 for trial with a codefendant as to whom the time for trial has not run and no motion for  
18 severance has been granted." This defendant is joined for trial with a number of co-  
19 defendants, and as noted above the Court previously continued the trial as to those  
20 defendants to October 21, 2024 for good and sufficient reasons.

21 Therefore, IT IS FURTHER ORDERED that the time between January 16, 2024,  
22 and October 21, 2024, is excluded in computing time within which trial must commence  
23 because the ends of justice served by granting this continuance outweigh the best interest  
24 of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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1 DATED this 16<sup>th</sup> day of January, 2024.

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4 RICARDO S. MARTINEZ  
5 UNITED STATES DISTRICT JUDGE  
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8 PRESENTED BY:

9 s/ Vincent T. Lombardi

10 VINCENT T. LOMBARDI

11 CINDY CHANG

12 Assistant United States Attorneys  
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